



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

AUGUST 19, 2013

7:00 P.M.

• **6:00 pm – Finance & Administration Committee Meeting**

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Hampden Country Club – Victualers License Renewal
- b. Municipal Review Committee – Quarterly Tipping Fees Distribution

4. REPORTS

- a. Planning & Development Committee Minutes – 7/17/2013
- b. Finance & Administration Committee Minutes – 8/5/2013
- c. Bangor Humane Society Stray Animal Report – July 2013
- d. Pool Board Minutes – 7/9/2013

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

- a. Proposed E911 Addressing Ordinance
- b. Proposed Ordinance Enacting Charter Amendments

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Nomination Papers Available for November 5, 2013 Election
 - 1. District 1 Councilor - to fill vacancy until 12/31/2014
 - 2. Councilor At-Large - to fill vacancy until 12/31/2015
 - 3. RSU #22 Board of Directors – 3-year term
 - 4. Hampden Water District Trustee – 5-year term

NOTE: The Council will take a 5-minute recess at 8:00 pm.

3. UNFINISHED BUSINESS

- a. Set Mil Rate - 2013/2014 Tax Year

4. NEW BUSINESS

- a. Application for renewal of Liquor License – Armstrong Tennis Center (f/k/a Bangor Tennis & Recreational Center) at 60 Mecaw Road

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: info@hampdenmaine.gov

A-3a

August 13, 2013

Keith Gamble
Hampden Country Club
25 Thomas Road
Hampden, ME 04444

Dear Keith:

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Denise Hodsdon, CMC
Town Clerk

Enc

VICTUALER'S LICENSE CERTIFICATE

No. 13

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: August 8, 2013

KNOW YE, that Keith Gamble,

doing business as Hampden Country Club

has been duly licensed as a Victualer at 25 Thomas Road

in the Municipality of Hampden by said Municipality until August 19, 2014,

and has paid to the Municipal Treasurer the fee of Fifty Dollars (\$50.00).

Authorized Municipal Officer

CODE ENFORCEMENT OFFICER

- 395 State Street
- Ellsworth, ME 04605
- www.mrcmaine.org



August 9, 2013

Dear MRC Member Community:

The MRC Board of Directors is pleased to provide the enclosed check for the quarterly cash distribution return to Amending Charter Municipalities and new Charter Municipalities for the Third Quarter of 2013. The payment is based on tipping fees, plant performance and asset activity in the Second Quarter of 2013.

Consistent with MRC Board-approved policies and Transaction Guidelines, a total distribution amount of \$980,674.55 to the Amending Charter Municipalities was approved to meet the system-wide target value of \$51.00 per ton, which is tipping fees less cash distributions. The tipping fee for the Second Quarter was \$74.75 per ton. Therefore, on average as a group, the Amending Charter Municipalities need a cash distribution of \$980,674.55 in order to achieve the \$51.00 per ton target value. This total amount is the product of \$23.75 per ton and 41,291.56 tons of solid waste delivered by all Amending Charter Municipalities in the Second Quarter of 2013. New Charter Municipalities also received funds from Performance Credits for Second Quarter equal to 4,836.61 tons delivered multiplied by the difference between the tipping fee of \$74.75 per ton and the new Charter Municipality target value of \$54.00 per ton.

This cash distribution to Amending Charter Municipalities was generated from Performance Credits in the amount of \$702,548.35 and \$278,126.20 in Net Cash Flow received as a result of PERC ownership interests. Funds from Performance Credits in the amount of \$100,359.75 were calculated for distribution to new Charter Municipalities.

The MRC Board of Directors thanks all MRC members for their efforts and contributions in support of the MRC mission of an environmentally safe, long-term solid waste disposal solution at a reasonable and affordable cost.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Gregory A. Louder', is written over a horizontal line.

Gregory A. Louder
Executive Director

A-4-a

Planning and Development Committee

July 17, 2013

6:00 PM

Council Chambers

MINUTES

Attendees: **Committee**

Staff

**Jean Lawlis
Tom Brann
Bill Shakespeare
David Ryder
Janet Hughes**

**Gretchen Heldmann
Kurt Mathies
Bob Osborne
Dean Bennett**

1. **Approval of July 3, 2013 Minutes** – Approved
2. **Committee Applications** – There were no committee applications under review.
3. **Updates**
4. **Old Business**
 - A. E 911 Addressing Ordinance
Gretchen Heldmann presented the draft E-911 Addressing Ordinance to the Committee. The purpose of the Ordinance is to "Enhance the easy and rapid location of structures by law enforcement, fire, rescue, and emergency medical services personnel in the Town of Hampden".

Committee Action: Committee voted to forward the E911 Addressing Ordinance to Town Council with recommendation to approve. Vote 5-0.
 - B. Executive Session pursuant to 1. M.R.S.A. §405 (6) (C) to discuss an Economic Development Proposal. (Hampden Business Park).
Postponed until August 7, 2013.
 - C. Discussion on Purchase/Sale and Lease Agreement for former Hampden Academy Property.

Committee Action: No additional recommendation.

5. New Business:

6. Comprehensive Plan Implementation

A. Re-Zoning – District Amendments

Committee discussed the prioritization of areas of the community in need of potential zoning amendment/clarification. The Committee asked the Town Planner to focus on the Kennebec Road/1A and Western Avenue (Frost Garage).

7. Citizens Initiatives: - none.

8. Public Comments:

Terry McAvoy indicated his appreciation and support for the position the Committee has taken on the Hampden Academy Development Proposal. He further indicated he supported the proposal.

9. Committee Member Comments: - none.

10. Adjourn

FINANCE & ADMINISTRATION COMMITTEE MINUTES

Monday, August 5, 2013

Attending:

Councilor William Shakespeare	Resident Cindy Philbrick
Mayor Janet Hughes	Resident Bernie Philbrick
Councilor Carol Duprey	Resident Lisa Carter
Councilor Jean Lawlis	Resident Terry McAvoy
Councilor David Ryder	
Town Manager Sue Lessard	

The meeting was opened at 5:41 p.m. by Mayor Hughes.

1. Meeting Minutes
 - a. July 15, 2013 - No objections to the minutes were noted and they were accepted by unanimous consent.
2. Review & Sign Warrants – Warrants were reviewed and signed by Committee members.
3. Old Business
 - a. Proposed Charter Amendments –

Section 201 relating to changing the election of councilors was discussed and appears to be more complicated than the current method of electing 4 district councilors and 3 at-large councilors at a time every three years. Motion by Mayor Hughes, seconded by Councilor Ryder to recommend to the full Council that Section 201 or the proposed Charter Amendments Ordinance NOT be adopted. Vote 5-1 (Brann), motion passed.

Section 206 – Prohibitions of holding state/county elected office as a Town Councilor. Motion by Councilor Lawlis, seconded by Councilor Brann to recommend to the full Council the adoption of a prohibition on Town Councilors also serving State or County elected office. Vote 3-3. Motion failed.

Section 207 related to Vacancies; Forfeitures of Office; Filling of Vacancies – Motion by Councilor Lawlis, Seconded by Councilor Ryder to recommend to the full Council that Section 207 of the proposed ordinance be adopted. Vote 6-0. Motion passed.

Sections 801, 802, and 805 were considered administrative in nature and were forwarded without recommendation to the Council as part of the proposed ordinance.

4. New Business

- a. Aimee Smith – Board of Assessment Review – New Applicant – Motion by Councilor Lawlis, seconded by Councilor Shakespeare to recommend to the full Council the Appointment of Aimee Smith to the Board of Assessment Review, barring conflict with her current position on the Appeals Board. Vote 6 – 0. Motion Passed.
- b. Request to use Tech Reserve Funds for Replacement of Ambulance Laptops – Motion by Councilor Lawlis, seconded by Councilor Shakespeare to recommend to the full Council the use of Computer Reserve Funds for the match to a grant to purchase 2 replacement ambulance laptops. Vote 6 – 0. Motion passed.
- c. Request to use Tech Reserve Funds to Continue Document Scanning Project – Motion by Councilor Lawlis seconded by Councilor Duprey to recommend to the full Council use of the Computer Reserve fund for the continuation for another year of the Document Scanning Program. Vote 6-0. Motion passed.
- d. MDOT Local Road Assistance Program – Acceptance of Funds – Motion by Councilor Brann, seconded by Councilor Shakespeare to recommend to the full Council the acceptance of Local Road Assistance and Transit Bonus Funds from the MDOT for the 2013/2014 year. Vote 6 – 0. Motion passed. Councilor Brann also requested that the calculation for the bus passenger subsidy be re-done to include the transit bonus funds received as an offset to property taxes for the Bus.

5. Public Comment - None

6. Committee Member comments – Mayor Hughes stated that she had heard from former Councilor Jeremy Williams who suggested that review of the Town Charter should be done by a citizen group rather than by the Town Council itself. It was also discussed that the Council should review all additional sections of the Charter after the next election in case there were other changes that should be made at the 2014 election.

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

Bangor Humane Society
 693 Mt. Hope Avenue
 Bangor ME 04401

A-4-C

RECEIVED
 AUG 06 2013

BY:

Town of Hampden
 Attn: Susan Lessard
 106 Western Avenue
 Hampden ME 04444

Stray Animal Statistics, July 2013

Type Of Animal	Stray Animals Released To BHS By Owners	# Animals Received	# Animals In Holding From Previous Months	# Adopted	# Euthanized	# Reclaimed	# Animals Currently In Holding
Dog	0	1	0	1	0	0	0
Puppy	0	0	0	0	0	0	0
Cat	0	1	0	0	0	0	1
Kitten	0	0	4	2	0	0	2
Other	0	2 Rabbits	0	0	0	0	2 Rabbits

Reasons for Euthanasia

DOGS	0	
PUPPIES	0	
CATS	0	
KITTENS	0	

Animals Returned to Owner

Owner's Name	Address	Impound Fee	Animal	License Info	Reclaim Date

July 2013

1	animals brought to us by private citizens
3	animals brought to us by the ACO
0	animals brought to us by the police department

Lura Hoit Pool ~ Board Meeting Minutes ~ 7-9-13

Cedena McAvoy brought the meeting to order at 7:00pm.

Those present: Cedena McAvoy, Karen Brooks, Mike Jellison, Josh Sargent, Jim Feverston, Sarah McVeigh, Vickie Levesque, Pat Foley, Sam Manhart, Sue O'Brien, Darcey Peakall and Julie Macleod.
Not present: Ben Curtis Absent Excused: Greg Hawkins

The secretary's minutes were accepted as presented.

The Director's Report:

- ~ The number of participants in June was down 158 people.
- ~ Daily receipts in June were up \$1,891 compared to last year and the pool rental income was down \$205 compared to last year. The rental income is down due to SAD 22 decreasing time, Stillwater Academy is not coming for the summer and cancelation of the Friday daycare rental. They now come to open swim and use punch cards.
- ~ The yearly fuel usage was down 1,888 gallons compared to 2011-2012.
- ~ In session IV, the pool provided 234 participants in group lessons and 15 private lessons. Group swim lessons were down 6 participants and private lessons were down by 8 participants. Group lesson income was up \$146 and private lesson income was down \$850 compared to last year.

The treasurer's report was verbally given by Josh and Jim. It was accepted as presented.

Darcey has received annual corporate membership contracts from RSU #22, Penquis, Town of Hampden, St Joseph Healthcare, Bangor Hydro and EMMC. The board members will continue to contact their assigned companies that they have not heard back from. Cedena will contact the Brewer School District.

Dean Bennett referred Darcey to the Hampden Business Association regarding the Welcome packet. Darcey will report at next meeting.

Mike is going to contact the Bangor Chamber of Commerce regarding an insert into the quarterly news letter. He will report back at the next meeting.

A motion was made to accept the changes in wording to Article V, Section 2 in the Pool Board By-Laws that was proposed at the June board meeting. The motion was passed 10-0.

Darcey reviewed the 2012/2013 end of year expense and revenue report. She also reviewed the breakdown of the 2012/2013 net revenue and balance of pool reserve as of 6/30/13. The HCB pay back payment for 2012/2013 will be \$10,000, while the reserve contribution will be \$25,000, leaving net revenue of \$23,400.43 to start the 2013/2014 fiscal year. The 2013 pool reserve yearend balance is \$35,402. Darcey reminded the pool board that they needed to continue fundraising to offset the yearly HCB payback. There is only one more year in pledges remaining from the initial capital campaign mailing. Next month the board members are to come with some fundraising ideas to discuss.

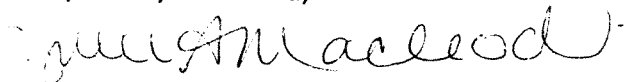
Jim requested to be on next month's agenda to present a different budget structure.

Vickie would like some help trimming the trees out front. Cedena and Sarah volunteered.

The new board members introduced themselves and they look forward to helping the pool thrive.

Meeting adjourned at 8:00pm.

Respectfully submitted,



Julie A. Macleod

C-1-a

**TOWN OF HAMPDEN, MAINE
E911 ADDRESSING ORDINANCE**

ENACTED DATE: MONTH, XX, 2013
EFFECTIVE DATE: MONTH, XX, 2013

CERTIFIED BY: _____
Name

Title Affix Seal

**TOWN OF HAMPDEN, MAINE
E911 ADDRESSING ORDINANCE
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ARTICLE 1. TITLE

1.1 Title. This Ordinance shall be known as the "Addressing Ordinance."

ARTICLE 2. PURPOSE

2.1 Purpose. The purpose of this Ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, and emergency medical services personnel in the Town of Hampden.

ARTICLE 3. AUTHORITY

3.1 Authority. This ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

ARTICLE 4. DEFINITIONS

4.1 Construction Language. In this Ordinance, certain terms or words shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company, corporation or other legally recognized entity, as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory; the word "structure" includes the word "building" and the word "dwelling" includes the word "residence", the word "parcel" includes the words "lot" or "plot". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control. Terms not defined shall have the customary dictionary meaning.

4.2 Definitions. In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Road: A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare serving three or more structures. A road name assigned by the municipality in accordance with this ordinance shall not constitute or imply Town acceptance of the road as a public way or Planning Board approval as a feature of a subdivision plan.

ARTICLE 5. ADMINISTRATION

5.1 Administration. This Ordinance shall be administered by the designated e911 Addressing Officer who is authorized to and shall assign and/or approve road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Articles 6 and 7. The Addressing Officer shall be responsible for maintaining the following official records of this ordinance:

- a) A municipal map(s) for official use showing road names and numbers.
- b) An alphabetical list of all property owners as identified by current tax records, by last name, showing the assigned numbers.
- c) An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Town Manager shall designate an Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service.

ARTICLE 6. ROAD NAMING SYSTEM

6.1 Road Naming System. All roads that serve three or more structures shall be named regardless of whether the ownership is public or private. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

- a) No two roads shall be given the same name (ex. Pine Road and Pine Lane).
- b) No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).
- c) Each road shall have the same name throughout its entire length located within the boundaries of Hampden. Roads that continue through into an adjacent town may change names at the town border.

ARTICLE 7. NUMBERING APPLICATION PROCESS AND NUMBERING SYSTEM

7.1 Numbering Criteria. The following criteria shall govern the numbering system:

7.1.1 Numbers shall be assigned to structures only. This includes but is not limited to: single or multi-family dwellings, camps, businesses, apartments, mobile homes, construction site office trailers. This process is initiated when a building permit application is pulled, so that numbers are assigned to structures being built, and not at the end of the construction period.

7.1.2 Numbers shall be assigned every 50 (fifty) feet along both sides of the road regardless of zone or location in town, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend.

7.1.3 All number origins shall begin from the intersection of Route 9 (Western Avenue) and Route 1A (Main Road North) or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

7.1.4 The number assigned to each structure shall be that of the numbered interval falling closest to the driveway of said structure.

7.1.5 Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy, i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Road, Apt 2.

7.1.6 Parcels with more than one structure, such as a mobile home park or group development, shall be assigned unique addresses that make the most logical sense to each situation. Each structure shall be identified by a unique number. For example, 235 Maple Road, Lot 1 or 235 Maple Road, Unit 1.

7.2 Numbering Application Process. Numbers will be assigned when an applicant fills out and submits a "Driveway Entrance/e911 Address" application available at the town office. This application can be completed as a stand-alone application for an already-existing structure, or as part of the building permit application process for new structures. Applicants must adhere to all terms of the application, including staking and flagging the proposed or existing driveway entrance. The Addressing Officer will then GPS the staked/flagged location, process the GPS data, and scale out and assign an appropriate number.

ARTICLE 8. COMPLIANCE

8.1 Compliance. All owners of structures shall display and maintain in a conspicuous place, assigned numbers in the following manner:

- a) Number at the Road Line. The assigned number shall be displayed on a post, fence, wall, mail box, or on some structure adjacent to the walk or access drive to the residence or structure.
- b) Size, Color, and Location of Number. Numbers shall be of a color that contrasts with their background color and shall be a minimum of four (4) inches in height. Numbers shall be located to be visible from the road at all times of the year.
- c) Proper number. Every person whose duty is to display an assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this Ordinance.

- d) Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

ARTICLE 9. NEW CONSTRUCTION, NEW SUBDIVISIONS, AND NEW ROADS

9.1 New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Addressing Officer. This shall be done at the time of the issuance of the building permit.

9.2 New Subdivisions. Any prospective subdivider shall show a proposed road name system on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Addressing Officer, shall constitute the assignment of road names in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 feet so as to aid in the assignment of numbers to structures subsequently constructed.

9.3 New Roads. Any prospective new roads not serving a new subdivision shall show a proposed road name on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Addressing Officer, shall constitute the assignment of road names. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 feet so as to aid in the assignment of numbers to structures subsequently constructed.

ARTICLE 10. EFFECTIVE DATE

10.1 Effective Date. This Ordinance is not retroactive. Pursuant to Section 213(c) of the Town Charter, this Ordinance shall become effective at the expiration of 30 days after its adoption by the Town Council. It shall be the duty of the Addressing Officer to notify each property owner and the U.S. Postal Service of any new addresses assigned after the effective date of this ordinance.

ARTICLE 11. ENFORCEMENT AND CIVIL PENALTY

11.1 Enforcement. The Addressing Officer has the authority to enforce the provisions of this Ordinance, as well as any officer of the Public Safety Department. If the Addressing Officer finds that any provision of this Ordinance has been violated, the Officer shall notify the property owner(s), or other person(s) responsible, in writing of the nature of the violation and the corrective action required. If the corrective action is not completed within 15 days of the issuance of the notice, the Town Manager, upon notice from the Addressing Officer, may authorize any and all actions and proceedings that may be available or necessary to enforce the provisions of this Ordinance.

11.2 Civil Penalty. Any person who violates any provision of this Ordinance commits a civil violation, and shall be subject to relief and a civil penalty in accordance with 30-A M.R.S. A. §4452, as may be amended or replaced from time to time. Each day that a violation continues shall constitute a separate violation. If the Town is the prevailing party in an enforcement action, it shall be entitled to its costs, expert witness fees, and reasonable attorney's fees.

ARTICLE 12. SEVERABILITY

12.1 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ORDINANCE ENACTING CHARTER AMENDMENTS

The Town of Hampden hereby ordains that the following amendments to the Town Charter be enacted:

Deletions in ~~strikeout~~.
Additions underscored.

ARTICLE II TOWN COUNCIL

Sec. 207 Vacancies; Forfeiture of Office; Filling of Vacancies

- (b) Forfeiture of Office – A councilor shall forfeit that person's office if that person (1) lacks at any time during that person's term of office any qualification for the office prescribed by this charter or by law, (2) violates any express prohibition of this charter, (3) is convicted of a crime or offense which is, during that person's term, reasonably related to that person's ability to serve as councilor, or (4) fails to attend ~~three (3) consecutive regular meetings or misses more than a maximum of six (6)~~ regular or special meetings per year of the council in the prior twelve month period. ~~without being excused by the council.~~

Note: The purpose of this amendment is to define the number of absences that a councilor can have on a rolling year basis before forfeiting the office.

ARTICLE VIII NOMINATIONS AND ELECTIONS

Sec. 801 Conduct of Elections – The regular municipal election shall be held on the Tuesday following the first Monday of November in each year. Except as otherwise provided by this charter, the provisions of Title 21-A of the Maine Revised Statutes ~~Annotated~~ shall apply to elections held under this charter. All elections called for under this charter shall be conducted by the election officials established under Title 21-A. In the event that this charter or Title 21-A do not address a particular election matter, any relevant election provision of Title 30-A of the Maine Revised Statutes shall apply. For the conduct of elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter. Qualified voter shall mean any person qualified and registered to vote under law.

Note: The purpose of this amendment is to clarify that elections for the Town of Hampden are governed by the charter or Title 21-A of the Maine statutes. Title 21 referenced in the current Charter provision was repealed and replaced by Title 21-A. In addition, language was added to provide that if the charter and Title 21-A do not cover a particular election matter, the relevant provisions of Title 30-A (the Title dealing with municipalities) would apply.

Sec. 802 Officials Nominated and Elected ~~at Large~~

- (a) ~~Names on Ballots.~~ Councilors at Large. The full names and street addresses of all candidates nominated for councilor at large, except those who have withdrawn, died, or become ineligible shall be printed on the official ballots under a heading reading: “Nominees ~~of~~ for Councilorat Large”.
- (b) ~~Councilor-Elected by District Councilors.~~ The full names and street addresses of all candidates nominated for ~~membership as district councilor in the council,~~ except those who have withdrawn, died, or become ineligible, shall be printed only on the official ballots ~~for their respective districts~~ under the separate heading reading: “Nominees for District Councilor”.

Note: The purpose of this amendment is to clarify the language.

Sec. 805 Election Provisions – Provisions of Title 21-A of the Maine Revised Statutes ~~the laws of the State of Maine~~ relating to the qualifications of voters, registration, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter. In the event that this charter or Title 21-A do not address a particular election matter, any relevant election provision of Title 30-A of the Maine Revised Statutes shall apply.

Note: The purpose of this amendment is to clarify that elections for the Town of Hampden are governed by the charter or Title 21-A of the Maine statutes. Title 21 referenced in the current Charter provision was repealed and replaced by Title 21-A. In addition, language was added to provide that if the charter and Title 21-A do not cover a particular election matter, the relevant provisions of Title 30-A (the Title dealing with municipalities) would apply.

EFFECTIVE DATE: The foregoing amendments to the Town of Hampden Town Charter shall become effective upon adoption by the voters.

C-3-a

2013 MUNICIPAL TAX RATE CALCULATION FORM

Municipality: Hampden

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Local Taxable Real Estate Valuation.....	1	564,893,800	
2. Local Taxable Personal Property Valuation.....	2	27,535,900	
3. Total Taxable Valuation (Line 1 plus line 2).....	3	592,429,700	
4. (a) Total of all Homestead Exempt Valuation	4(a)	19,409,100	
(b) Homestead Exempt Reimbursement Value	4(b)	9,704,550	
		(Line 4(a) divided by 2)	
5. (a) Total of all BETE Exempt Valuation	5(a)	7,083,600	
(b) The statutory standard reimbursement for 2012 is 60%	5(b)	3,541,800	
Municipalities with significant personal property & equipment		(line 5(a) multiplied by 0.5)	
may qualify for more than 60% reimbursement. Please contact MRS for the Enhanced Tax Rate Calculator form.			
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b)).....	6	605,676,050	

Assessments

7. County Tax.....	7	731,537.00	
8. Municipal Appropriation.....	8	6,835,830.00	
9. TIF Financing Plan Amount.....	9	17,416.11	
10. Local Educational Appropriation (Local Share/Contribution)	10	5,650,341.00	
(Adjusted to Municipal Fiscal Year)			
11. Total Assessments (Add lines 7 through 10).....	11	13,235,124.11	

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing.....	12	300,000.00	
13. Other Revenues: (All other revenues that have been formally	13	2,948,750.00	
appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. Do Not Include any Homestead or BETE Reimbursement			
14. Total Deductions (Line 12 plus line 13).....	14	3,248,750.00	
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	9,986,374.11	

16.	9,986,374.11	X	1.05	=	10,485,692.82	Maximum Allowable Tax
17.	9,986,374.11	/	605,676,050	=	0.016488	Minimum Tax Rate
18.	10,485,692.82	/	605,676,050	=	0.017312	Maximum Tax Rate
19.	592,429,700	X	0.016550	=	9,804,711.54	Tax for Commitment
			(Selected Rate)		(Enter on Page 1, line 13)	
20.	9,986,374.11	X	0.05	=	499,318.71	Maximum Overlay
21.	9,704,550	X	0.016550	=	160,610.30	Homestead Reimbursement
			(Selected Rate)		(Enter on line 8, Assessment Warrant)	
22.	3,541,800	X	0.016550	=	58,616.79	BETE Reimbursement
			(Selected Rate)		(Enter on line 9, Assessment Warrant)	
23.	10,023,938.63	-	9,986,374.11	=	37,564.52	Overlay
	(Line 19 plus lines 21 and 22)				(Enter on line 5, Assessment Warrant)	

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.

2013 MUNICIPAL TAX RATE CALCULATION FORM*Municipality:* Hampden**BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT**

1. Local Taxable Real Estate Valuation.....	1	564,893,800	
2. Local Taxable Personal Property Valuation.....	2	27,535,900	
3. Total Taxable Valuation (Line 1 plus line 2).....	3	592,429,700	
4. (a) Total of all Homestead Exempt Valuation	4(a)	19,409,100	
(b) Homestead Exempt Reimbursement Value	4(b)	9,704,550	
		(Line 4(a) divided by 2)	
5. (a) Total of all BETE Exempt Valuation	5(a)	7,083,600	
(b) The statutory standard reimbursement for 2012 is 60%	5(b)	3,541,800	
Municipalities with significant personal property & equipment		(line 5(a) multiplied by 0.5)	
may qualify for more than 60% reimbursement. Please contact MRS for the Enhanced Tax Rate Calculator form.			
6. Total Valuation Base (Line 3 plus line 4(b) plus line 5(b)).....	6	605,676,050	

Assessments

7. County Tax.....	7	731,537.00	
8. Municipal Appropriation.....	8	6,835,830.00	
9. TIF Financing Plan Amount.....	9	17,521.34	
10. Local Educational Appropriation (Local Share/Contribution)	10	5,650,341.00	
(Adjusted to Municipal Fiscal Year)			
11. Total Assessments (Add lines 7 through 10).....	11	13,235,229.34	

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing.....	12	300,000.00	
13. Other Revenues: (All other revenues that have been formally	13	2,948,750.00	
appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc. Do Not Include any Homestead or BETE Reimbursement			
14. Total Deductions (Line 12 plus line 13).....	14	3,248,750.00	
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	9,986,479.34	

16.	9,986,479.34	X	1.05	=	10,485,803.31	Maximum Allowable Tax
17.	9,986,479.34	/	605,676,050	=	0.016488	Minimum Tax Rate
18.	10,485,803.31	/	605,676,050	=	0.017312	Maximum Tax Rate
19.	592,429,700	X	0.016650	=	9,863,954.51	Tax for Commitment
			(Selected Rate)		(Enter on Page 1, line 13)	
20.	9,986,479.34	X	0.05	=	499,323.97	Maximum Overlay
21.	9,704,550	X	0.016650	=	161,580.76	Homestead Reimbursement
			(Selected Rate)		(Enter on line 8, Assessment Warrant)	
22.	3,541,800	X	0.016650	=	58,970.97	BETE Reimbursement
			(Selected Rate)		(Enter on line 9, Assessment Warrant)	
23.	10,084,506.24	-	9,986,479.34	=	98,026.90	Overlay
	(Line 19 plus lines 21 and 22)				(Enter on line 5, Assessment Warrant)	

(If Line 23 exceeds Line 20 select a lower tax rate.)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.



C-4-a

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 8/19/2013

Public Hearing: Yes No X

- ☒ Application for Liquor License
- ☐ Application for Victualer's License
- ☐ Application for Off-premises Catering
- ☐ Application for Outdoor Wood-burning Furnace License

NAME: Armstrong Tennis Center, Inc.
formerly Bangor Tennis & Rec Ctr. Dean Armstrong
Business Name Individual

ADDRESS: 60 Mecaw Rd. PHONE: 942-4836

MAP/LOT: DATE: 8/14/2013

DEPARTMENT REPORT:

No concerns

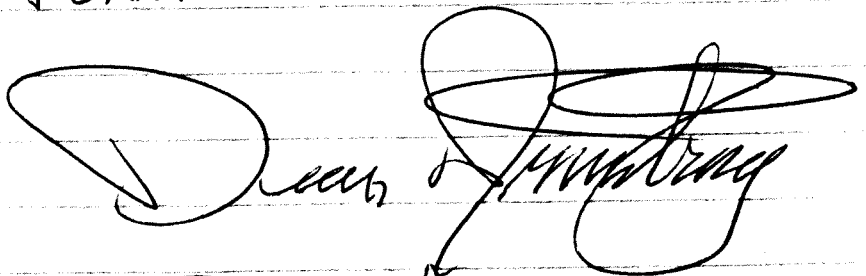
DATE: 08/14/13 BY: [Signature]

Title: Public Safety Director

BY:
Title:

8/13/2013

Please waive the
public hearing for
BANGOR, TENNESSEE


Dean ARMSTRONG

**Department of Public Safety
Division**



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES

10/12/13

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☒ OTHER: TENNIS club

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>ARMSTRONG TENNIS CENTER INC</u>		2. Business Name (D/B/A) <u>SAME</u>	
<u>(FORMER) BANGOR TENNIS AND RECREATION CENTER INC</u>			
Address <u>600 MEADOW RD</u>		Location (Street Address) <u>SAME</u>	
City/Town <u>Hampden Me</u> State <u>ME</u> Zip Code <u>04444</u>		City/Town _____ State _____ Zip Code _____	
Telephone Number <u>207 942 4836</u> Fax Number <u>—</u>		Business Telephone Number _____ Fax Number _____	
Federal I.D. # <u>01-0376232</u>		Seller Certificate # <u>186576</u>	

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 4500.00 LIQUOR \$ 3,000.00
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire .If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
7. If manager is to be employed, give name: DEAN ARMSTRONG
8. If business is NEW or under new ownership, indicate starting date: SAME Ownership less part time
- Requested inspection date: _____ Business hours: _____
9. Business records are located at: 600 MEADOW RD, Hampden, Me 04444
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

After 20 years, first as manager
in 1993, second as a part owner (30%)
I have as of May 2013 purchased
the majority of stock in the company,
and changed the name to the

ARMSTRONG TENNIS CENTER.

I still for the last 20 years have
managed the day to day affairs
of the tennis center and will hopefully
for the near future.

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
DEAN B ARMSTRONG	6/13/35	WATFORD, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)
91 CENTER ST BANGOR, ME 04401

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐ BREW LICENSE

16. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) STEEL BUILDING
4 TENNIS COURTS, LOUNGE AREA, PRO SHOP, LOCKER ROOMS

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 2 miles Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: MORTGAGE WITH MACHIAS SAVINGS BANK, BREWSTER, ME

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: HAMPODEN, ME 04444 on 7/20/13
Town/City/State

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)
DEAN ARMSTRONG
PRESIDENT & TREASURER

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND
LIMITED PARTNERSHIPS

1. Exact Corporate Name: ARMSTRONG TENNIS CENTER INC
Business D/B/A Name: FORMERLY, BANGOR TENNIS & RECREATION CLUB INC
2. Date of Incorporation: JULY 2, 1981
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
DEAN ARMSTRONG PRESIDENT & TREASURER	91 CENTER ST BANGOR ME 04401	6/23/35	87.31	PRESIDENT TREASURER
RICHARD SWETT 45 DOWNEY AVE DOVER-FOXCROFT ME	Hamp 564 8926		12.68	

6. What is the amount of authorized stock? 100,000 Outstanding Stock? 53,334
7. Is any principal officer of the corporation a law enforcement official? () YES ☒ NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES ☒ NO
9. If yes, please complete the following: Name: _____

Date of
Conviction: _____ Offense: _____

Location: _____ Disposition: _____

Dated at: _____ On: _____
City/Town Date

Dean Armstrong
Signature of Duly Authorized Officer Date: 7/20/13

DEAN ARMSTRONG
Print Name of Duly Authorized Officer

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CLUB APPLICANTS

1. Exact Club Name:

ARMSTRONG TENNIS CENTER

2. Title, name, birth date and telephone number of each principal officer of the club:

Title	Name	Birth Date	Telephone #
PRESIDENT	DEAN ARMSTRONG	6/23/35	207 478 5835
TREASURER	DEAN ARMSTRONG	6/23/35	207 478 5838

3. Date Club was incorporated:

7/2/89

4. Purpose of Club: () Social (X) Recreational () Patriotic () Fraternal

5. Date regular meetings are held:

N/A

6. Date of election of Club Officers:

N/A

7. Date elected officers are installed:

N/A

8. Total Membership:

200

Annual Dues:

\$1600.00

Payable When:

ANNUALLY

9. Does the Club cater to the public or to groups of non-members on the premises? (X) YES () NO

10. Excluding salaries, will any person other than the Club, receive any of the financial profits from the sale of liquor?

() YES (X) NO

11. If a manager or steward is employed, complete the following:

Name:

DEAN ARMSTRONG MGR

Date of Birth:

6/23/1935

Signature and Title of Club Officer

DEAN ARMSTRONG

Print Name and Title of Club Officer

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

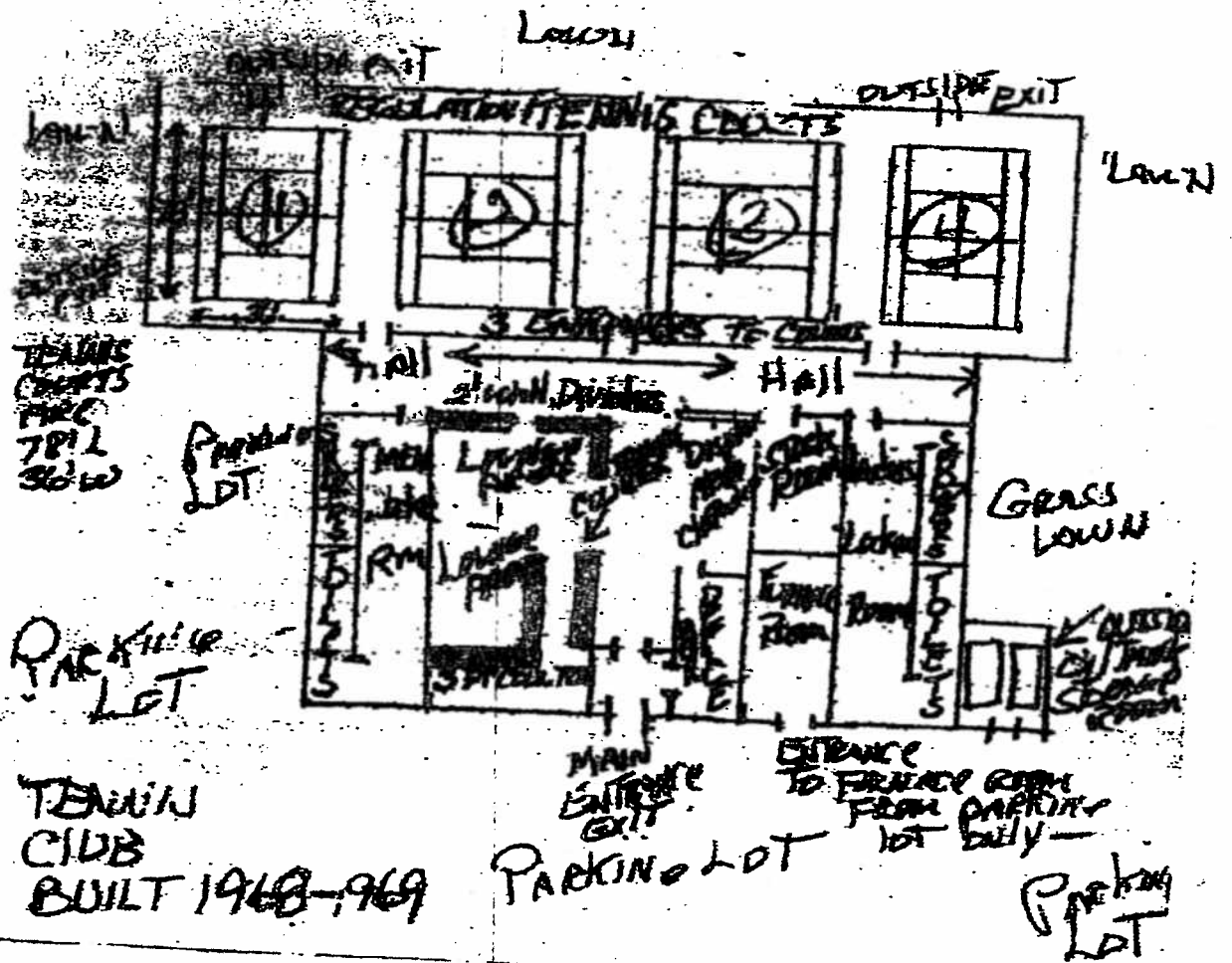
THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control: [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592. §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

PREMISE DIAGRAM



Print Name

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

FILING FEE \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.